

REMARKS: THE PENDING CLAIMS ARE ALLOWABLE

This is in response to the Office action dated May 17, 2007, in which claims 1-34 were pending, and were all rejected. Claims 1-22 were rejected based on the statutory subject matter requirement of 35 U.S.C. 101; claims 1, 19, 23, and 31 were rejected based on the utility requirement of 35 U.S.C. 101; and claims 24-30 and 32-34 were rejected without any expressed rationale.

All of the claims were free of any rejections based on arguments against their novelty or non-obviousness, under 35 U.S.C. 102 or 103. However applicants have amended claims 1, 19, 23, and 31 as indicated above to address the rejection under 35 U.S.C.101. The applicants respectfully submit that all currently pending claims, i.e. claims 1-34, are presently in condition for allowance, and request that the examiner reconsider and withdraw the rejection of these claims in light of the amendments and remarks herein.

CLAIMS 1-22 ARE DIRECTED TO STATUTORY SUBJECT MATTER UNDER §101

Claims 1-22 were rejected under §101 with respect to their status as statutory subject matter, under a rationale that they are drawn to an unstatutory program per se, rather than being embodied in computer readable media. These claims have been amended for clarification. In particular, the independent claims 1 and 19 recite, in part, a computer readable storage medium. Each of the dependent claims 2-18 and 20-22 incorporate the subject matter of their parent claims. A computer readable storage medium is clearly patentable subject matter under §101. The Court of Appeals for the Federal Circuit has held that "Without question, software code alone qualifies as an invention eligible for patenting under these categories, at least as

processes... software code claimed in conjunction with a physical structure, such as a disk, fits within at least those two categories of subject matter within the broad statutory label of "patented invention". *Eolas Technologies, Inc. v. Microsoft Corp.*, 73 USPQ2d 1782, 1793 (Fed. Cir. 2005). The Court therefore held that software code alone, or software code claimed in conjunction with a physical structure, such as a disk, which is an example of a computer readable medium, is, "without question", patentable subject matter.

The applicants therefore respectfully submit that claims 1-22 constitute clearly patentable subject matter under §101, and respectfully request that the rejection of these claims be reconsidered and withdrawn accordingly.

CLAIMS 1, 19, 23, AND 31 PROVIDE UTILITY UNDER §101

Claims 1, 19, 23, and 31 were rejected with reference to the requirement for utility under §101. These claims have been amended to clarify their utility. In particular, claim 1 recites, in part, providing an output based at least in part on the synonymous collocations, and claims 19, 23, and 31 recite analogous subject matter, such that each of these claims recites, in part, producing a useful, concrete, and tangible result of various inventive elements. Such outputs are richly supported by the specification of the present application, both in illustrative embodiments of the outputs being provided, and illustrative embodiments of systems and devices to enable those outputs to be provided as useful, concrete, and tangible results of various inventive elements.

Claims 24-30 and 32-34 were not presented with any rationale for rejection. Though claims 24-30 are dependent on claim 23 and claims 32-34 are dependent on claim 31, even if

claims 23 and 31 did not produce a useful, concrete, and tangible result, this would not affect the question of whether any of their dependent claims indeed do produce a useful, concrete, and tangible result. Since a complete examination of the claims was concluded without producing any rationale why claims 24-30 and 32-34 might not be patentable, the applicants respectfully request that these claims be allowed.


CLAIMS 1-34 ARE IN CONDITION FOR ALLOWANCE

The applicants thereby submit that the present application is in condition for allowance, and respectfully request that the examiner allow claims 1-34.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 
Bryan F. Erickson, Reg. No. 51,655
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402
Phone: (612) 334-3222 Fax: (612) 334-3312

BFE